



295 North Maple Avenue
Basking Ridge, NJ 07920

September 8, 1992

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SEP - 8 1992

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, N. W. - Room 222
Washington, D. C., 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Presentation
CC Docket 92-90

Dear Ms. Searcy:

A meeting was held today to discuss the FCC proceeding concerning the Telephone Consumer Protection Act of 1991 in the above referenced docket. The areas of discussion included the comments and reply comments filed by AT&T and other parties. Attending the meeting for the FCC was Kathleen Abernathy. Elaine Hatcher and Nathaniel Friends represented AT&T. A copy of the written presentation is attached to this letter.

Two copies of this Notice were submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(1) of the Commission's Rules.

Sincerely,

A handwritten signature in cursive script that reads "Elaine R. Hatcher".

Elaine R. Hatcher
District Manager

Attachment

cc: K. Abernathy

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FEDERAL COMMUNICATIONS COMMISSION
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TELEPHONE CONSUMER PROTECTION ACT OF 1991

COMPANY SPECIFIC DO NOT CALL LISTS

Accommodates Competing Interests

Preserves Consumer Choice

Cost-Effective and Flexible

Protects Consumer Privacy

Reduces Burden on Small Companies

ENFORCEMENT MECHANISM

FCC Enforcement Procedures Effective

Compliance Board [Industry & Consumers] could Set Standards
& Adjudicate Complaints

Inform Consumers of Options to Prohibit Telemarketing Calls

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TELEPHONE CONSUMER PROTECTION ACT OF 1991

NATIONAL DATABASE

Best Solution for those Who Wish to Receive NO Telemarketing Calls

Market Research Shows Consumers Don't Want
Blocking of All Telemarketing Calls

Consumer Dissatisfaction When 'Exempt' Telemarketing Calls
are Received

Improper Structure Could Deny Consumer Access to
Telemarketers With Whom They Wish to Deal

DATABASE WOULD BE COSTLY AND COMPLEX

If Designed to Update Quickly and Protect Consumer Privacy

If Designed to Permit Designation of Designation of Specific
Companies

Cost Borne by Telemarketers with 20-25% Changes Annually
Could Cost Between \$24 & \$80 Million

TELEPHONE CONSUMER PROTECTION ACT OF 1991

OTHER OPTIONS TO RESTRICT CALLS - NOT IN CONSUMER INTEREST

Network Technology of Single NXX Not Now Technically Viable

SS7 Deployment Required in Network

Network Solution May Hamper Debt Collection Efforts

Directory Markings Raise Problems for National Telemarketers

No National Directory Exists
Only Hundreds of Independent Directory Databases

Directory Would Exclude Unlisted Numbers

Annual Directory Publishing Dates Results in Lag Between
Consumer Request and Listing

Time of Day Restrictions Need Be No More Severe

AT&T Voluntarily Restricts Calling to 9A to 9P

TELEPHONE CONSUMER PROTECTION ACT OF 1991

MORE RESTRICTIONS ON LIVE SOLICITATIONS?

Support Consumer Choice

Consumers May Prefer Not to Receive Calls By Live Operators
But Recognize That Many Consumers Do Business with
Telemarketers

TCPA Intended to Bar Prerecorded Solicitation, Not Restrict
Devices Which Only Dial Numbers Automatically to Connect to
Live Operators [Predictive Dialers]

Support Confirmation That Definition of 'Automatic Telephone
Dialing Equipment' Does Not Include Automated Dialing Devices
Not Coupled with Prerecorded Voice Solicitations

AT&T Uses Telemarketing to Promote Long Distance and
through American Transtech acting as a Service Bureau

TELEPHONE CONSUMER PROTECTION ACT OF 1991

AUTODIALER AND FAX RESTRICTIONS

Should Not Prohibit Using Autodialers and Recorded Messages as
Voice Messaging or Information Service Calls to Existing
Customers

Support Rule that Voice Systems Release Line within 5 Seconds
of On-Hook Signal

Support Requirement that Fax Machines be Manufactured with
Ability to Mark Each Page with Identity of Sender, Etc.

Need Clarification to Recognize Difference Between Fax
Originator and Fax Service Provider Who Does Not Determine
Content or Distribution

TELEPHONE CONSUMER PROTECTION ACT OF 1991

